

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 30, 2010

- D057585 Everett B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**
No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.
- D057468 I.M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**
No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.
- D057880 In re Bybee on Habeas Corpus**
The petition is denied.
- D057423 La Jolla Village Residents Association v. City of San Diego**
Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)
- D057859 Fryklind v. Superior Court of San Diego County/People**
The order to show cause is discharged and the petition is dismissed in light of abandonment of the petition. The stay issued on August 24, 2010, is vacated.
- D057780 Medina et al. v. Superior Court of San Diego County/O'Day Consultants, Inc.**
The alternative writ is discharged in light of superior court's order of August 19, 2010. The petition is dismissed as moot. The stay issued on July 26, 2010, is vacated.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 31, 2010

D055504 People v. Doucette

We modify the judgment to strike the two prior prison convictions for which the trial court decided not to impose a sentence. The trial court is directed to prepare an amended abstract of judgment reflecting the modification and forward a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. We affirm the judgment in all other respects.

McConnell, P.J.; We Concur: Haller, J., McIntyre, J.

D056196 In re A.M., a Juvenile

The opinion filed August 11, 2010 is ordered certified for publication.

D055456 People v. Croce

The two convictions and sentences for forgery by false signature (§ 470, subd. (a)) on counts 6 and 10 are reversed and vacated. As so modified, the judgment is affirmed in all other respects.

The superior court is directed to (1) modify the abstract of judgment to remove the references to the convictions and stayed/concurrent sentences on counts 6 and 10, and (2) correct the abstract of judgment to reflect a determinate term of eight years. The superior court shall transmit a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

Haller, J.; We Concur: McConnell, P.J., McIntyre, J.

D057600 In re E.D., a Juvenile

The court has received a letter from appellant notifying the court that she wishes to stop and discontinue her appeal. The letter is unaccompanied by a proof of service. The court accepts this letter for filing and treats it as a request to dismiss the appeal. The appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

D055252 In re Marriage of Mapp

The order is affirmed. Father shall pay Department's costs on appeal.

D057799 Metros v. Superior Court of San Diego County/Medical Board of California

The petition is denied.

D057860 Rutherford v. Beck

Because appellant did not timely pay the filing fee, the appeal is dismissed. (Cal. Rules of Court, rule 8.100(c)(3).)

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 31, 2010 (Continued)

D055687 People v. Wadley

The case is remanded to the trial court with directions to (1) modify probation condition 12(h) in accordance with the views expressed in this opinion, and (2) conduct a hearing in the presence of Wadley to provide an oral detailed recitation of the fines, if any, to be imposed. In all other respects, the judgment is affirmed. Haller, Acting P.J.; We Concur: Aaron, J., Irion, J.

D057824 Garland v. Superior Court of San Diego County/People

The petition for writ of mandate and the response have been read and considered by Justices Haller, O'Rourke and Irion. The petition is denied.

D055640 PC Specialists, Inc. v. FusionStorm et al.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Respondents to recover costs on appeal.

D057989 In re Shaw on Habeas Corpus

The petition is denied.

D056023 Fuller v. Fuller

Upon written stipulation filed by the parties to the appeal and cross-appeal on August 30, 2010, the appeals filed October 2, 2009, and cross-appeal filed October 26, 2009, are dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party shall bear its own costs.

D057876 T.K. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorneys for petitioners Jessie H. and T.K. have notified the court that petitions for writs of mandate under California Rules of Court, rule 8.452 will not be filed as there are no viable issues for writ review. The attorneys' requests, on behalf of petitioners, for extensions of time to file petitions are denied. The case is dismissed.

D057849 In re Ramirez on Habeas Corpus

The petition is denied.

D057800 In re Bell on Habeas Corpus

The petition is denied.

D057931 In re Nunez on Habeas Corpus

The petition is denied as duplicative.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 31, 2010 (Continued)

D057932 Davis v. The Superior Court of Orange/People
The petition is denied.

D057734 In re La Pense
The petition for writ of habeas corpus has been read and considered by
Justices Haller, O'Rourke and Irion.

Petitioner states that he pleaded guilty to false imprisonment and three prison priors. He was sentenced to a prison term of "[four years] with half time." He claims that his two Marsden motions were improperly denied and that he was deprived of effective assistance of counsel. He sought modification of his sentence in the superior court; that request was denied on July 1, 2010. There is no indication in the record that the superior court considered the claims presented in the instant petition.

"[B]oth trial and appellate courts have jurisdiction over habeas corpus petitions, but a reviewing court has discretion to deny without prejudice a habeas corpus petition that was not filed first in a proper lower court." (*In re Steele* (2004) 32 Cal.4th 682, 692.)

The petition is denied.

D057732 In re Langston on Habeas Corpus
The petition is denied.

D057965 New Palace Associates, LP v. Santos
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 1, 2010

D058035 People v. Steele

The notice of appeal filed on August 17, 2010, and superior court order filed on August 4, 2010, have been read and considered by Presiding Justice McConnell and Associate Justices Haller and Irion. A post judgment order denying defendant's request to modify a restitution fine is not an appealable order. The appeal is dismissed.

D057033 In re Elizabeth S. et al., Juveniles

The judgment terminating parental rights is reversed and the case is remanded to the juvenile court with directions to order the Agency to provide notice to the Apache tribe. The Agency shall comply with the notice provisions of ICWA, the relevant case law interpreting ICWA and the views expressed in this opinion, and file all required documentation with the juvenile court for the court's inspection. If, after proper notice to the Apache tribe, the tribe claims the minors as Indian children, the juvenile court shall proceed in conformity with all provisions of ICWA. If, on the other hand, the Apache tribe does not claim that the minors are Indian children, the judgment terminating parental rights shall be reinstated.
Huffman, J.; We Concur: McConnell, P.J., McDonald, J.

D052978 People v. Archer

The petition for rehearing is denied.

D055850 Sellers v. Engler

Appeal dismissed. Benke, Acting P.J.; We Concur: Nares, J., McDonald, J.

D056196 In re A.M., a Juvenile

The petition for rehearing is denied.

D056863 Webb v. Collins

Appellant's motion to vacate the dismissal is granted. The appeal is reinstated. Appellant's opening brief and appellant's appendix are due on or before September 21, 2010. No further extension of time to file the opening brief and appendix is contemplated.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 2, 2010

- D057872 B.G. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**
The attorneys for petitioners B.G. and Jose G. have notified the court that petitions for writs of mandate under California Rules of Court, rule 8.452 will not be filed as there are no viable issues for writ review. The attorneys' requests, on behalf of petitioners, for extensions of time to file petitions are denied. The case is dismissed.
- D057890 Christian M. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**
The attorneys for petitioners Christian M. and Cecilia C. have notified the court that petitions for writs of mandate under California Rules of Court, rule 8.452 will not be filed as there are no viable issues for writ review. The attorneys' requests, on behalf of petitioners, for extensions of time to file petitions are denied. The case is dismissed.
- D057877 A.F. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**
The attorneys for petitioners A.F. and U.G. have notified the court that petitions for writs of mandate under California Rules of Court, rule 8.452 will not be filed as there are no viable issues for writ review. The attorneys' requests, on behalf of petitioners, for extensions of time to file petitions are denied. The case is dismissed.
- D057844 D.G. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**
The attorneys for petitioners D.G. and A.R. have notified the court that petitions for writs of mandate under California Rules of Court, rule 8.452 will not be filed as there are no viable issues for writ review. The attorneys' requests, on behalf of petitioners, for extensions of time to file petitions are denied. The case is dismissed.
- D057739 The People v. Accredited Surety & Casualty Company, Inc.**
Pursuant to California Rules of Court, rule 8.140, the appeal filed July 14, 2010, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rule 8.121(a)).
- D056627 People v. Zamora**
The judgment is affirmed. McDonald, J.; We Concur: Haller, Acting P.J., Irion, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 2, 2010 (Continued)

- D057936 In re Marriage of Otero and Lundry**
Because appellant did not timely pay the filing fee, the appeal is dismissed. (Cal. Rules of Court, rule 8.100(c)(3).)
- D056561 In re Liftee on Habeas Corpus**
The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 3, 2010

- D057096 Pacific Dental Services, Inc. v. Andrew Hoang**
Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)
- D057797 In re Baker on Habeas Corpus**
The petition is denied.
- D057968 Peniche v. Superior Court of San Diego County/Peniche**
The petition is denied.
- D057842 In re Summersville on Habeas Corpus**
The petition is denied.